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BUILDING REGIONAL STABILISATION IN AND AROUND FORMER YUGOSLAVIA: PROGRESS AND PROSPECTS

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BUILDING REGIONAL STABILISATION IN AND AROUND FORMER YUGOSLAVIA:
Progress and Prospects

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Sarajevo, 21 October 1997

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1. *INTRODUCTION: SCOPE OF THE PAPER*

The Dayton Peace Accord signed in December 1995 by Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, put an end to the bloody war in Bosnia and Herzegovina that started in 1992, and the four years of fighting in the former Yugoslavia. Following the cessation of hostilities, an important challenge for the international community has been to lay down the foundation of a durable peace. As conceived by the brokers of the peace deal, arms control and confidence-building measures were to be essential elements for creating a stable peace in the region. Accordingly, the *General Framework Agreement for Peace in Bosnia and Herzegovina* (GFAP), initialled in Dayton in November 1995, contained several obligations committing the Parties to negotiate such type of measures.

This paper reviews the progress made in fulfilling the arms control and confidence-building tasks flowing from the GFAP. Reflecting the main obligations outlined in Annex 1-B, *Agreement on Regional Stabilization*, the paper focus on analysing the development and/or application of:

- *Article II: Confidence- and Security-building Measures in Bosnia and Herzegovina*
- *Article IV: Measures for Sub-Regional Arms Control*
- *Article V: Regional Arms Control Agreement.*[1]

Following a review of the mandate and "philosophy" underpinning the Dayton arms control's obligations, the study analyses the most important challenges to their application in the region. It then presents an assessment of the implementation record of Article II and Article IV (the two Agreements already negotiated), and discuss the future of Article V. The paper concludes with recommendations on ways to strengthen the regional stabilisation process envisaged in the peace settlement.

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1 Also of significance were the provisions of Article III committing the Parties not to import certain types of weapons. However, since the time-frame associated with these obligations have elapsed, Article III is not covered in this paper.

2. *OBLIGATIONS, GOALS & CHALLENGES*

A. The Dayton arms control obligations

With provisions in almost every field of state-building, the *General Framework Agreement for Peace in Bosnia and Herzegovina*, initialled at Dayton, Ohio, in November 1995, offered a "blueprint' for the reconstruction of the country. The Agreement also included important provisions related to the military aspects of the peace settlement. The most widely known, contained in Annex 1-A, provided for the creation of an Implementation Force (IFOR) with primary military tasks:

- to ensure continued compliance with the cease-fire;
- to ensure the withdrawal of forces from the agreed cease-fire zone of separation;
- to ensure the separation of forces from the Inter-Entity Boundary Line (IEBL);
- to ensure the collection of heavy weapons into designated areas and the demobilisation of remaining forces, and;
- to control the airspace over Bosnia and Herzegovina.

While the Implementation (now Stabilisation) Force could make a vital contribution to the development of the peace process, it was recognised at Dayton that it could not constitute a viable solution for the establishment of longer-term security and stability in the region. To achieve this goal, the peace agreement committed the Parties to negotiate a series of confidence-building and arms control arrangements. These obligations were contained in Annex 1-B, *Agreement on Regional Stabilization*, with the most important tasks included in Articles II, IV and V.

Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

> Article II committed Bosnia and Herzegovina (BiH), the Federation of Bosnia and Herzegovina (FBiH), and Republika Srpska (RS) to began within seven days negotiations to agree upon a series of confidence- and security-building measures to be applied within 45 days inside Bosnia and Herzegovina. Among the measures to be considered were exchange of information on holdings of major weapon systems, restrictions on military deployments and exercises, and the notification of military activities.

Article IV: Measures for Sub-Regional Arms Control

> Article IV committed Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska, the Republic of Croatia, and the Federal Republic of Yugoslavia (i.e. all five

signatories of Annex 1-B) to negotiate within 180 days numerical limits on their holdings of tanks, artillery (above 75mm), armoured combat vehicles, combat aircraft and attack helicopters. It also envisaged voluntary limitations on the Parties' military manpower.

Article V: Regional Arms Control Agreement

Article V tasked the Organization for Security and Co-operation in Europe (OSCE) to assist the (5) Parties "by designating a special representative to help organise and conduct negotiations under the auspices of the (OSCE) Forum on Security Co-operation (FSC) with the goal of establishing a regional balance in and around the former Yugoslavia."

The current status of the negotiations is as follow:

- The *Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina* (Article II) was signed in Vienna on 26 January 1996;
- The *Agreement on Sub-Regional Arms Control* (Article IV) was concluded in Florence on 18 June 1996;
- The negotiations on a *Regional Arms Control Agreement* (Article V) have not started, and no special representative has been appointed.

B. The Dayton arms control's vision

The basic philosophy underpinning the regional stabilisation process envisaged at Dayton was that the military confrontation could be overcome by a system of co-operative security aiming at building transparency and confidence, and at establishing a new military balance based on an agreed reduction in troops strength and weaponry. These objectives were clearly stated in the GFAP's *Agreement on Regional Stabilization.* Article II, for example, defined the aims of the measures as to enhance mutual confidence and to reduce the risk of conflict. Article IV, on the other hand, recognised the importance of achieving balanced and stable defence forces at the lowest numbers consistent with the respective security of the Parties, noting that the establishment of a stable military balance based on the lowest level of armaments was an essential element in preventing the recurrence of conflict.

As conceived by the brokers of the peace deal, the most promising way to reduce the risk of war and to build a stable peace in the region was to be achieved by adopting a system of co-operative security similar to the one applied elsewhere in Europe, and relying

mainly on the Treaty on Conventional Forces in Europe (CFE), and the 1994 Vienna Document on Confidence- and Security-Building Measures (CSBMs). As foreseen also at Dayton (although not explicitly stated in the Agreement), the long-term goal of the regional stabilisation process is to "link up" the former Yugoslavia to the security system of Europe. An important step in this direction was embodied in Article V calling for negotiations aiming at establishing a "regional balance in and around the former Yugoslavia".

Given the above considerations, it is not surprising that Annex 1-B incorporated several aspects of the European security "model". Article II, for instance, required that the CSBMs to be negotiated by the Parties draw fully upon the 1994 OSCE Vienna Document, while Article IV requested a close following of the CFE by prescribing, for instance, limits on the same type of weapons than those applied in the wider European treaty. There was obvious reasons for proceeding this way. First, in addition to the fact that it could serve as preparation for the former Yugoslavia to be integrated into the wider European security system, both the CFE and the Vienna 1994 Document had been used and "tested" before with considerable success. Second, because the OSCE was to be granted the task of reaching agreement on all aspects of the regional stabilisation package (not only by planning and organising the negotiations of Article V, but also by assisting the Parties in their negotiations under Articles II and IV, and in the implementation and verification of resulting agreements), it also made sense to capitalise on its experience with the two treaties.

If the idea of following the European example and adopting its "model" seemed as the right thing to do for the former Yugoslavia, there are a number of significant differences between the two contexts of application which, if not directly challenging the potential for success of the Dayton regional stabilisation process, will certainly make it a very difficult enterprise.

C. Challenges to implementation

The first important difference between the European context of application and the former Yugoslavia is that, in the latter case, the entire process can not be considered as a traditional, or classic case, of arms control application. Indeed, in clear contrast with the European (and world) experience of arms control, the two Agreements which have now come into being did not result from negotiations between parties who had previously identified (self-) interests in pursuing this type of arrangements. There has been no internal debate over the desirability or usefulness of the measures, nor has there been any real bargaining between the Parties over the common undertaking. Simply put, the agreements have been "imposed" on them. This fact is evidenced by the stipulations of Article IV dictating the imposition of individual ceiling on each category of armaments prescribed for limitation, if the Parties failed to reach agreement on them within 180 days

after the signing of Annex 1-B. Similarly, with a comprehensive list of some ten measures "recommended" for the negotiations of Article II, very little latitude was left to the Parties to devise their own arrangements.

A second unique aspect of the former Yugoslavia relates to the fact that it is the first time in history that former warring factions make use of confidence-building and arms control measures so soon after an open conflict. This is of concern because with a level of hostility never seen before between parties adopting such measures (although too well demonstrated in the course of the war by the countless atrocities committed against each other), it is difficult to believe that the Parties have identified any real interest in adopting such types of arrangements.

A third significant peculiarity of the context of application which, although not a negative one, may have long-term implications is that on the territory of Bosnia and Herzegovina, at least, the implementation of the agreements has been taking place along side a strong international military presence. If this presence may have initially helped to create confidence that war would not be resumed "tomorrow" and, thus, helped the Parties to start the difficult process of reducing weapons, opening military bases to inspections, or exchanging sensitive military information, it may also have served to conceal their true commitment to the process. In this regard it is noteworthy that even if the Implementation --now Stabilisation-- Force (IFOR/SFOR) never had tasks to enforce obligations flowing from any negotiated agreements of Annex 1-B, it has often been perceived this way by the Parties. Because of this, the multinational force may have been the primary (if not only) reason explaining the beginning of implementation. Furthermore, because many of IFOR/SFOR's restrictions on the military activities of the Parties have been similar, or much stricter, than those required by the negotiated agreements, it may also have been the main incentive for continued compliance.

What this suggest is that it is still unclear whether the Parties began implementing the agreements because they recognised benefits in their application, or simply because they fear similar or stricter obligations would be imposed on them anyway. This, on the other hand, raises the question of knowing whether the pattern of compliance that has developed since the signing of the Agreements could be maintained in the absence of an international military presence.

Another unique aspect of the context of application which directly affects the way the agreements are being implemented concerns the role given to the OSCE in the overall process. As noted, the peace settlement gave the OSCE the task of reaching agreement on all aspects of the regional stabilisation package. Not only did the OSCE was requested to plan and organise the negotiations of Article V, but it was also tasked to assist the Parties in their negotiations under Articles II and IV and in the implementation and verification (including verification of holdings declarations) of resulting agreements. Such arrangement, whereby an "outside" party has direct responsibilities in all phases of

development, implementation and verification of arms control and confidence-building measures is unique in the world. If this represents a new endeavour in the field of international security, it also means that the OSCE had no guidelines or lessons from which to draw. The Organisation also had very little time to prepare, because of the short deadlines for application included in the Dayton provisions.

Despite these difficulties, the OSCE responded quickly to the challenge by appointing two Personal Representatives of the OSCE Chairman-in-Office (one for Article II and one for Article IV) who, immediately after the completion of the negotiations of the Agreements, became responsible for overseeing their implementation. Both Personal Representatives are based in Vienna where the Personal Representative responsible for Article IV is assisted by a small team co-ordinating and scheduling the reductions activities of the arms control agreement, and planning all inspections for Article II and Article IV. The two Personal Representatives are also chairing the consultative commissions foreseen by the Agreements to review questions of compliance –for the CSBMs Agreement, it is the Joint Consultative Commission (or JCC) taking place on a rotating basis somewhere in BiH; for the Agreement on Sub-Regional Arms Control, it is the Sub-Regional Consultative Commission (or SRCC) always held in Vienna.

To assist the Personal Representatives, the OSCE established an Office for Regional Stabilization at the headquarters of its main Mission to BiH. Located in Sarajevo, the Office for Regional Stabilization (or ORS) is staffed with a total number of about 20 international secondees, most of whom are military officers working from Sarajevo, and 5 officers in Regional Centres. The ORS main responsibilities are with the implementation of Article II, although a small number of its personnel is tasked with the preparation of all aspects relating to the conduct of inspections under both Articles II and IV.

If the OSCE Mission to BiH is the biggest ever to be established by this organisation, the Office for Regional Stabilization is also completely new to the OSCE and, in fact, has no equivalent in the world. Its operation is similar to an Arms Control Verification Centre, but with the significant difference that it has responsibilities related to the implementation of the agreements --agreements which, significantly, ensued from the signing of a peace settlement not necessarily celebrated by the Parties. This uniqueness comes with its own set of problems.

Not unlike many other multinational organisations, the ORS continuously has difficulties in promptly getting secondees or getting the most qualified people. Unlike other organisations, however, the ORS also has difficulties in getting the "right type" of people. Indeed, the "job" implies much more than simply monitoring compliance with a number of treaties or, as would the case of other Verification Centres, to also carry out one's own country treaties' obligations. Indeed, the Sarajevo-based Office for Regional Stabilization has direct responsibilities in assisting the Parties to implement their Agreements. This means that in addition to monitoring their compliance, its functions may involved, among

others, explaining to the Parties the precise functioning of the Agreements; organising meetings to discuss obligations which have not yet been implemented and finding ways to began executing them; providing transport, escort, or translation for these meetings; securing outside expert help to deal with specific issues, or; providing technical or financial support for the conduct of a number of activities. More significantly, however, being the "assisting party" often implies playing the role of a third party mediator having to cope with the intricacies of the politics of a State which is officially made up of two components (the Croat-Muslim Federation of BiH and the Bosnian Serbs' Republika Srpska), but which in reality is divided along three ethnic lines with no real power or institutions at the State level.

Another difficulty for the ORS stems from the lack of a clear understanding of what "helping the Parties" is supposed to mean, i.e. whether the OSCE mandate is strictly to "assist" the Parties in "their" implementation of "their" Agreements with a minimum of interference, or whether it is to assist the overall process by "overseeing" the implementation, with much more direct input in its general direction. The perception is that there is no agreed policy on implementation existing at the higher level where, in fact, it is also unclear "who really runs the show?": the OSCE Chairman-in-Office, the Contact Group nations, the two Personal Representatives, the Vienna-based Office of the Personal Representative for Article IV (when dealing with matters related to verification or inspection), or the Head and the Director of the Office for Regional Stabilization. As a result, the approach chosen on any given issue often differed from the next, with some issues being given much more attention or predominance than others. It is also not uncommon to see issues being pursued more forcefully by Vienna than Sarajevo, or vice-versa. Similarly, problems which may be brought forward by Sarajevo may not be followed-up at all by Vienna.

If the above problems also derive from a lack of communication and co-ordination between Vienna and Sarajevo, the vacillation in the way the mandate is being pursued contrasts sharply with what the situation on the ground requires. Indeed, nothing indicates that the Parties can implement the Agreements by themselves. Thus, willingly or not, the ORS has had to act in a much more pro-active manner, although this again has been conditioned by factors such as the individual style of the most senior personnel in charge during a certain period, or the competence and/or willingness of his staff to detect problems, report them, or act upon them.

The inconsistency in the way the OSCE has been pursuing its tasks is unfortunately well known of the Parties, and one often has the impression that they "take advantage" of this shortcoming by trying "to get away" with less than a minimum level of proper compliance. It is noteworthy that while the Parties may indeed required assistance on some (and maybe most) issues, they also tend to "rely" heavily on this assistance. For example, if the ORS does not regularly remind the Parties of their obligations, they

simply let them slip until they are reminded again. Also, the Parties display no initiatives or incentives to develop any of the provisions which have not yet been implemented.

Given the important responsibilities granted to the OSCE, it is fair to suggest that its role in the way the Agreements are being implemented is a crucial one. Although the OSCE can not ensure or enforce compliance, its "supporting" function in the process is a critical one in outlining and, in many instances, in determining several aspects of implementation. As such, it constitutes an important factor influencing the overall process, with longer-term positive or negative impact on the regional stabilisation process.

The above considerations only described some of the most significant factors affecting the character and nature of implementation of the Agreements in the former Yugoslavia, and especially in Bosnia and Herzegovina. To gain a better insight on the progress made and the type of problems encountered, a closer examination of the record of compliance is required. It is provided below in a more comprehensive manner for the implementation of Article II, as it also exemplifies the host of problems encountered in the implementation of Article IV.

3. IMPLEMENTATION

A. Agreement on Confidence- and Security-building Measures in Bosnia and Herzegovina

Given the way the Agreement came into being so soon after the war, many observers doubted that it would be implemented at all. Yet, implementation began in March 1996 and has progressed ever since. The pattern of compliance, however, is still a rather mixed one, ranging from full compliance to non-compliance, with cases in between:

- where the Parties have implemented their obligations only in parts (partial compliance);
- where formal compliance has been achieved with the deadline of an obligation, but where doubts remain about the completeness of the statements given;
- where the Parties and the OSCE have agreed on a different procedure that the one foreseen in the Agreement, but where progress have not been sufficient to allow to proceed with the proper application of the provisions;
- where obligations have been met only after the prescribed deadline has passed;
- where obligations have been met only after the prescribed deadline, and where there is also a gap in substance, or;
- where one Party has complied, but not the other Party.

Before reviewing the most important measures, it should be noted that as the State of Bosnia and Herzegovina does not have armed forces, the record presented below refers mainly to the practice of the armed forces of the two Entities; the army of the Federation of Bosnia and Herzegovina composed of the Armijah Bosnia i Herzegovina (ABiH), and the Hrvatsko Vijece Odbrane (HVO); and the Army of Republika Srpska, the Vojska Republika Srpska (VRS).

Measure I : Exchange of Military Information

(I) **Exchange of Information.**

The Parties shall exchange information on their forces concerning the military organisation, manpower, and major weapons systems.

Deadlines: first exchanges 15 February and 15 June 1996; thereafter 15 December each year.

Exchanges of Information related to military organisation, manpower and major weapons systems is at the heart of the CSBMs regime. It is from this information that the Parties plan and conduct inspections or, in other words, that they pursue verification to ascertain compliance with the Agreement's obligations.

Exchanges of Information have taken place several times since the Agreement came into force and gradual improvement has characterised the scope and quality of the information provided by both sides. The deadlines set in the Agreement, however, have never been strictly respected. On the other hand, a number of additional exchanges updating or supplementing data previously exchanged have taken place --much more often than required by the Agreement.

In the early phase, a number of difficulties were noted:

- First, the Parties were in a process of reducing from war-time strength and deployment to peace-time deployment which required the restructuring of their armed forces. Demobilisation and re-location often made the collection of data very difficult, and once the information was exchanged it often became immediately obsolete.

- Second, and compounding this problem, IFOR (now SFOR) required the Parties to re-deploy their weapons and forces, and to reduce significantly the number of cantonments and barracks .

- Third, the entry into force of the Florence *Agreement on Sub-Regional Arms Control* and the beginning of reductions resulted in a continuous change of equipment holdings.

More recently, the Parties have started a process of major reorganisation of their armed forces (creation of joint structures of ABiH and HVO to form the Army of the Federation of BiH; restructuring of the VRS), which also resulted in numerous changes that had to be reflected in their information.

The last Exchange of Information took place in June 1997. The scope of the information provided increased significantly over the previous exchanges as, for the first time, data relating to reserve forces have been included. Against this positive background, several

problems remain. Among them, the accuracy of the information is still questionable, as most inspections find more equipment at sites than those declared, while some inspections find significant amounts of equipment not declared.

Also, information on police forces and on Ministry of Interior special forces has not been provided. Yet, the ongoing political crisis in Republika Srpska (RS) shows the significance of this problem: Ministry of Interior special forces and police are the main supporters of the hard-line leaders, while the Army is divided with the majority of commanders leaning towards the moderate leaders. This explains why the Verification Centre of Republika Srpska has not been able to provide information on police and Ministry of Interior special forces despite repeated attempts by the OSCE to pressure them into compliance. It is to be noted, on the other hand, that the Federation's record is also not satisfactory in this respect.

(II) Data Relating to Major Weapons and Equipment Systems.

Technical data and photographs shall be provided to each Party as well as to the OSCE through the Personal Representative.
Deadline: 1 March 1996. For new types or versions: at the latest when the Party deploys the systems for the first time.

The Parties have provided data and photographs according to this measure, but there is room for improvement.

Republika Srpska provided technical data during the negotiations of the Agreement in January 1996. The data were in accordance with the standards of the Vienna Documents of 1992 and 1994, but did not take into account the additional provisions of the CSBMs Agreement for BiH concerning artillery systems from 75 to 99 mm. This latter information was provided in May 1996.

With regard to photographs, RS produced its album in June 1996. Its album followed the systematic of the Vienna Document 1994 and was fairly complete. It contained combat aircraft and combat helicopters, as well as armoured combat vehicle look-alikes (although, and in clear non-compliance with the provisions, without showing their internal configuration illustrating the specific characteristic which distinguishes each particular vehicle as a look-alike).

The Federation provided photographs of its major weapons systems along with some basic technical data in March 1996. It later produced a more comprehensive version of its technical data in May 1996. The Federation's album did not follow the typology of the *Protocol on Existing Types of Conventional Armaments and Equipment* (or POET, which is used to identify weapons and equipment systems during inspections), but was fairly complete concerning the type of major weapons systems. It did not, however,

contain any air component (combat aircraft or combat helicopters) in spite of the fact that some Mi-8 helicopters had been listed in its Information Exchange.

An important problem emerged following Information Exchanges done in accordance with Measure I (I), as these revealed that the Parties possessed more types of weaponry than they had identified during the negotiations on the establishment of the POET.

Another problem noted since the first technical data and photographs were provided concerns look-alikes systems. While no look-alikes had initially been listed in the POET, some were found during inspections. Similarly, even after the POET was updated to include some of these systems, more were found during inspections, and still no technical data or photographs were provided.

Because, the only submission of new photographs and technical data made since those described have been for new types of weapons or equipment systems entering into the zone of application, a number of discrepancies remain. For instance, there are equipment types included in the Information Exchanges for which no photographs or technical data have been provided. Similarly, there are equipment types which are in the photo albums but which are not included in the POET, and vice-versa.

As with other measures, the Parties tend to adopt a fairly "lay-back" attitude toward implementing provisions they considered of "lesser" implications, such as those related to exchanges of data and photographs. Unless they are reminded of their obligations by the OSCE, they pay little attention to them (if at all). In fact, even when they are reminded of their obligations, they often rely on the OSCE to do part of the work for them, as in this case, by requesting the OSCE to provide them with a list of the data and photographs missing.

(III) Demonstration of new types of major weapons or equipment systems.
Demonstration for representatives of each Party and the Personal Representative.

Deadline: at the earliest opportunity, but not later than 90 days after deployment has started.

One formal demonstration has taken place, carried out by the Federation in October 1997. It involved new types of weapons and equipment systems received under the US-lead Train & Equip Program (T&E). This program, which aimed at re-arming and training the Federation's Army has been at the source of great concerns on the part of Republika Srpska. Because of this, the OSCE lobbied hard last June for the Federation to organise a voluntary visit of its main storage site for the armaments received under T&E Program and to demonstrate some of the new weapons.

The October demonstration was more or less a repeat of the one done last June, although this second demonstration involved almost exclusively weapons that have been declared

by the Federation as having "entered into service". What constitute a "deployment" or the "entry into service" of weapons and equipment systems is not defined in the Agreement. Accordingly, even if the armaments kept at the Federation main storage site (in Hadzici, close to Sarajevo) have been there for more than 90 days (i.e. the deadline for providing a demonstration), the Federation could not, strictly speaking, be called in breach of compliance. This being said, the status of the weapons transferred under the T&E Program has been a source of problems ever since the Federation began receiving them in 1996. Indeed, the Federation has claimed since the beginning of the program that the weapons arriving at the Hadzici location were not immediately entering in its possession, but that they remained in the possession of the State Department, or of the company hired by the US Government to oversee the program, the Military Professional Resources Incorporated (MPRI). The OSCE initially accepted this explanation, knowing also that one of the reasons for the weapons not to "be given" to the Federation was that the two components of the Federation Army (ABiH and HVO) could not agree on how to divide them between themselves. Because of that, however, a number of difficulties arouse regarding the proper fulfilment of several other provisions of the Agreement.

(IV) Information on plans for the deployment of major weapon and equipment systems.

Annual information exchange including, inter alia, information on the type and number of major weapon and equipment systems.

Deadline: first notification 15 May 1996; thereafter not later than 15 December each year.

In May 1996, both sides notified that they had no such plans. However, for the December notification, only an informal list was provided by the Federation. This is an example of how the T&E Program has affected proper implementation of some the Agreement's obligations. Furthermore, while the procedures for this measure have yet to be applied properly, it remains unclear whether the Federation will be able next December to provide complete and formal information on the weapons and equipment systems it expects to receive in 1998.

(V) Information on defence related matters.

Information to be provided on, inter alia, the size, structure, personnel, major weapon and equipment systems and deployment of their armed forces.

Deadline: two months after the adoption of the military budget.

No information on defence-related matters, including the size, structure, personnel, mobilisation, weapons and equipment systems, and deployment of their armed forces has been officially provided by the Parties.

The Parties have been reminded on several occasions of their obligations to provide information on defence-related matters subsequent to the approval of the defence budgets.

The Parties have indicated they did not know how to implement this measure or, more precisely, how to present the information required. They requested that the OSCE provide examples of how such reporting is done in other countries. Hungary provided its Defence Planning document (in accordance with the Vienna Document 1994).

Measure II: Notification of Changes in Command Structure or Equipment Holdings

Information on any permanent change in the command of the armed forces, and any change of 10 per cent or more, lasting 20 days of more, in personnel and holdings.

Deadline: 10 days before change in structures: 10 days after change in holdings.

This important measure was devised to complement the annual exchange of military information (Measure I) by keeping track of major changes in command structure and equipment holdings. However, due to the process of rapid demobilisation and re-location from 18 December 1995 until 18 April 1996, and the lack of experience and/or resources allocated to verification, the Parties were initially not in a position to notify changes as required. It was agreed between the Parties and the OSCE not to apply this measure until the completion of the demobilisation process, i.e., 18 April 1996, but to provide an additional exchange of military information valid as of that date, which would provide a new baseline for information. A similar suggestion was made by the OSCE Mission in September 1996 when it became obvious that the Parties were not able to meet the requirements of Measure II. Republika Srpska made use of that and provided an additional Information Exchange in October 1996. An additional exchange was made in June 1997, with both Parties providing updated data and expanding the scope of their Information Exchange.

Notification in accordance with Measure II is currently provided more or less regularly. Problems remain due to the fact that the Parties are still in a major process of rationalisation of their armed forces and of reduction of the number of cantonments and barracks required by SFOR. Despite this, the minimal number of notifications received to date do not seem to reflect the large number of structural and organisational changes which have been taking place in the armed forces of the Parties during the past year. On some occasions, notifications have included information on sites that do not (or no longer) exist in the Information Exchange, suggesting that the Parties have problems with, or do not pay enough attention to, keeping track of the changes in their command structure and equipment holdings.

Measure III : Risk Reduction

(A) Mechanism for Consultation and Co-operation as Regards Unusual Military Activities.

Each Party which has concerns, or the Personal Representative, have the right to transmit a request for explanation and to call a meeting.

Deadline: none; on occasion of activation

While an important measure to reduce suspicions and the risk of miscalculation, the Parties have been reluctant to make full and proper use of its provisions.

On 4 August 1996, Republika Srpska sent a request for clarification of unusual military activities to the Office of Regional Stabilisation, in order to have it handed over to the Federation. The request concerned military activities of the HVO and the ABiH in the Mostar region, including the alleged presence of Croatian forces. The ABiH (but not the HVO) replied to the request the next day, i.e. within the 48 hours period as foreseen in the Agreement. It appears, however, that beyond the official written explanation there had also been informal consultations between the Parties as a representative of Republika Srpska told the OSCE two days later that no further steps would be required in this matter.

In October 1996, a representative of BiH sent a letter to the OSCE Mission complaining about alleged military activities by Republika Srpska, which would have involved an artillery live firing exercise. However, rather than triggering the mechanism for consultation set forth in Measure III, the letter simply accused RS of having violated the Agreement. The same month, Republika Srpska sent a request for clarification about the activities of foreign instructors participating in the Train & Equip Program and of the presence of Mujahedins who had reportedly remained in the country after the cessation of hostilities.

As a general rule, no follow-up has been made after the Party requesting clarification has received an explanation, and none of the Parties or the Personal Representative have requested a meeting with the responding Party to discuss the matter further.

During 1997, several statements concerning alleged mobilisation activities of the Parties were raised, but only verbally, and no risk reduction mechanism was triggered. The OSCE has encouraged the Parties to use the risk reduction mechanism whenever they have doubts concerning unusual military activities. It is unclear whether the actions taken to date have truly satisfied the Parties, or if they are unwilling to pursue further questions.

B) Co-operation as Regards Hazardous Incidents of a Military Nature.
Any Party and the Personal Representative have the right to request explanation and to call a meeting.

Deadline: none; on occasion of activation.

This measure has not been used.

Measure IV : Notification and Observation of and Constraints on Military Activities

(A) Notification.

Notification shall be provided to each Party and to the Personal Representative

Deadline: 42 days or more in advance of the start of a notifiable military activity.

(B) Observation.

Invitation shall be provided to each Party and the OSCE through the Personal Representative

Deadline: none; on occasion of activation.

(C) Constraining Measures.

Annual Calendars shall be provided to each Party and to the Personal Representative

Deadline: 15 March 1996, thereafter not later than 15 November each year.

In 1996, the Parties did not conduct military activities subject to notification. In compliance with the provisions of Measure IV, both the Federation and Republika Srpska provided proper annual calendars in March and November 1996, noting that no activities subject to constraints (i.e. involving more than 4,000 troops) were planned for the remainder of 1996, or for 1997.

On 8 August 1997, however, Republika Srpska sent notifications for two military activities to be held in October, each involving more than 4,000 troops. Because of their size, both exercises fell under the cover of military activities subject to constraint and, if conducted as planned, would have constituted clear and flagrant violation of several provisions of Measure IV. Indeed, not only did the provisions of Measure IV clearly indicates that in 1996-1997 only one activity of more than 4,000 troops could take place, but this restriction has to be read in conjunction with another provision, which requires that the Parties communicate in writing before 15 November, each year, information concerning military activities subject to constraints. As noted above, Republika Srpska (like the Federation) had provided such notification in November 1996, indicating that it had no plan to carry out any activity subject to constraint during the 1997 calendar year.

After receiving the two notifications, the Office for Regional Stabilisation conducted informal consultations with RS representatives pointing out the forthcoming violations of the Agreement. On 14 August, two amended notifications were issued by Republika

Srpska specifying that the number of troops involved in each military activity was to be reduced to between 3,000-4,000 troops. While this undertaking "removed" the two exercises from the list of activities subject to constraints, the new notifications raised other compliance issues with Measure IV. In particular, as stated in paragraph C (10):

> *If notifiable military activities not subject to constraining measures but subject to prior notification shall be carried out, they should be limited to a minimum,* ***agreed upon*** *by the Parties and the Personal Representative* ***before the exchange of annual calendars.***

As suggested by paragraph 10, the number of military activities which are notifiable (i.e. involving more than 1,500 troops), but not subject to constraint (i.e. less than 4,000 troops during 1996-1997), should be kept to a minimum. Moreover, what represents a "minimum" needs to be agreed by all the Parties and the Personal Representative before the exchange of annual calendar concerning military activities subject to constraint, i.e. not later than 15 November, each year. Since no decision on an "agreed minimum" had been recorded prior to November 1996, the OSCE informed RS that without prior agreement on a number of notifiable activities not subject to constraint for 1997, no such activities were permitted this year.

Informal consultations held by the Personal Representative in early September revealed that the Chief of RS' Verification Centre had not been consulted before the first notifications were sent and that he was not aware of the precise meaning of the provisions of Paragraph 10 requiring a prior agreement on a number of "permissible" notifiable military activities each year. During these consultations, the RS representative promised to bring up the issue to the attention of the leadership of the VRS and to call their attention to the fact that going ahead with the planned military exercises would constitute a violation of the Agreement.

As the matter was finally resolved, RS withdrew its prior notifications and conducted only one military exercise below the level of notifiable activities (i.e. less than 1,500 troops). While commendable, a number of serious issues were noted regarding the conduct of this exercise. First, RS conducted the exercise "just" below the threshold at which notification would have been required (i.e., with some 1,497 troops, or three soldiers less than the threshold for reporting). Second, Republika Srpska did not, as required under Measure VII, notify the withdrawal of the troops and heavy weapons involved in the exercise twenty-one days before they left their barracks/cantonments. Third, and even if it had no obligations to do so, Republika Srpska did not invite observers from the OSCE or from the other Parties to the Agreement. Yet, the military exercises previously notified would have required such invitations and, after four such activities had been notified, the other Parties were expecting to be invited to observe the one which was finally conducted. Furthermore, the most significant portions of the military activity (the live firing exercises)

were shown in their entirety on RS television, which is also readily available in Federation's territory.

Clearly, the episode demonstrated the array of problems which can be created by a lack of experience with the Agreement and, in this case also, by the OSCE failing to anticipate them.

Measure V : Restrictions on Military Deployments

All military activities shall be conducted in previously designated and specified cantonments/barracks or other designated areas... during the mandate of IFOR

Parties shall not conduct or participate in notifiable activities as defined in measure IV within 10 kilometres in areas as specified in the agreement.

Deadline: immediate.

There has been no act of clear and established non-compliance recorded with this measure. Press reports have suggested, however, that the live-firing exercise referred to in Measure III (Risk Reduction) might have taken place within the 10 kilometres restricted zone. But, this is highly unlikely due to the presence and close monitoring of IFOR.

Measure VI : Restraints on Reintroduction of Foreign Forces

Parties shall notify to each other and to the Personal Representative on the first of each month on the status of any foreign military personnel on their territory.

Deadline: 1st of each month.

This measure has been implemented since the entry into force of the Agreement, but most notifications were provided late or not at all during 1996. Furthermore, according to IFOR, foreigners remained on the Federation's side during 1996, although they were not organised in units. Also, there is still an open question about the qualification of "foreign" when these persons may in the meantime have received Bosnian citizenship. And, the whole problem of the former Krajina Serb Army on the RS side is also an open question, since the personnel come mainly from the area of the Republic of Croatia.

A further question has arisen with the presence of foreign instructors participating in the Train & Equip Program. Upon request of Republika Srpska, the Personal Representative had a legal opinion established by advisers to the OSCE Delegations of the Contact Group countries. The consensus was that such presence did not contradict the prohibition of foreign forçes, as these instructors could not be counted as "forces".

It is also noteworthy, that following an initial questioning of each other's notifications, such as RS accusations about the presence and collaboration of "Mudjahedins" with the ABiH, the Personal Representative proposed to the Parties to use challenge inspections as

described in the Protocol on Verification. This, however, has never been done and after the Federation complained about the presence of so-called "Arkan's Tigers" in Republika Srpska, there appears to have been a gentlemen's agreement between the Parties to keep this issue out of public discussions.

During 1997, the Parties have greatly improved their reporting. Only three notifications have been missed until the beginning of October, and this took place during the summer.

Measure VII : Withdrawal of Forces and Heavy Weapons to Cantonments/Barracks

Parties shall withdraw their forces and heavy weapons to cantonments/barracks or other designated areas by 18 April 1996.

Parties shall notify to each other and to the Personal Representative intention to withdraw these forces and weapons for exercises, for reduction purposes, or upon request/instruction of SFOR..

Deadline : 18 April 1996 for the notification of forces and weapons not removed to cantonments.; thereafter, 21 days notification for the removal of forces and heavy weapons for the purposes of exercises, reductions, or upon request/instruction of SFOR.

Initial non-compliance was recorded when the Parties argued in early 1996 that they had withdrawn into cantonments/barracks, but that there had been problems with IFOR's assignment of such areas.

Later on, problems were noted with regard to the notification of removal of heavy weapons from assigned cantonments/barracks when such removals were authorised by IFOR. There had been several indications of the removal of heavy weapons for exercises or similar purposes under due notification to IFOR, but not to the other Parties or the OSCE. Details were sketchy but there had been several instances when heavy weapons were seen on the road, mostly under IFOR escort.

Another compliance issue arose from the obligations of the Parties to remove heavy weapons for reduction purposes under the *Agreement on Sub-Regional Arms Control*. As no such undertaking had been planned at the time of the drafting of the Vienna Agreement, no such activity was allowed under Measure VII. In October 1996, a decision was made by the Joint Consultative Commission (JCC) regulating such movements under the same conditions of notification as for the removal for exercise purposes.

Finally, since January 1997, the Parties have been instructed by SFOR to reduce their total number of barracks and cantonments by 25% prior to 20 December 1997. The execution of this instruction started on 1 April 1997 and is to last until 20 December 1997. As in the case of movement of weapons for reduction purposes, however, there was no provisions in Measure VII allowing the Parties to either notify these movements

or, in fact, even to carry out the SFOR instructions without violating the provisions of Measure VII. This situation has also been regulated by a decision of the JCC in early September 1997.

The Parties regularly send notifications as required by this measure. Some problems remain, however, especially when heavy weapons are removed for the purpose of reduction as the Parties tend to only notify SFOR and not the OSCE or the other Parties. Furthermore, it is also unclear whether the Parties declare all of their troops movements out of the barracks (as evidenced when RS conducted its military exercise in early October 1997). This is partly due to an important flaw in the measure which does not define the threshold at which the forces leaving the cantonments/barracks need to be notified. While it is obvious that a "plus one" tolerance threshold is not practicable, a precise limit has not yet been clearly agreed upon. Until now, the Parties have been advised by the ORS to notify at the same notifiable level required by SFOR -- i.e. 100 troops. Yet, the problem remains that there is no JCC decision making this understanding somewhat "binding" on the Parties.

Measure VIII : Restrictions on Locations of Heavy Weapons

Until 31 December 1997, the Parties shall not remove heavy weapons from cantonments/barracks, except for the purposes of exercises, reduction, or upon request/instruction of SFOR. (see Measure VII)

Notification at least 21 days, subject to verification.

Deadline: restriction applicable from 18 April 1996, and expiring 31 December 1997.

Because any non-declaration under Measure VII constitutes a violation of the provisions of Measure VIII, there has probably been several violations of this Measure.

Measure IX : Notification of Disbandment of Special Operations and Armed Civilian Groups

Parties shall inform each Party and Personal Representative of all special operations groups and of disbandment of all armed civilian groups; subject to verification.

Deadline: 1 March 1996. Thereafter, shall not resume the operation of these groups.

The Parties handed in their notification in time. According to their notifications, there were no such formations or groups on their territories.

Measure X : Identification and Monitoring of Weapons Manufacturing Capabilities

The Parties shall provide each other as well as the OSCE through the Personal Representative a list of their weapons manufacturing capabilities.

The Parties shall accept request for visits of any notified facility.

Deadline for notification: 12 April 1996, thereafter annually by 15 December each year.

Deadline for monitoring through visits: none; visits at the request of any Party or the Personal Representative, though not more frequently than one visit per facility per month.

Both Parties provided their first notification on 12 April 1996, respecting the initial deadline set in the Agreement. Whereas the Federation provided a detailed list of 42 facilities, Republika Srpska declared that it had no such facilities to report. In December 1996, RS notification reiterated that it had no weapons manufacturing facilities; the Federation's notification listed 31 facilities including, as in its first notification, a number of repair facilities.

The significant gap between the two Parties' reporting was discussed at the 9th JCC Meeting held in January 1997, where it became evident that the Parties had a very different interpretation of the Agreement's definition of "weapon manufacturing facility" and of Measure X in general. Whereas the Federation applied a broad understanding, RS explained that its interpretation was that only a manufacturing capability for "whole weapons systems" would be notifiable.

As agreed at the Meeting, an expert level Working Group was set up to establish a common interpretation of Measure X, with the immediate aim of obtaining a revised information exchange on weapons manufacturing facilities. The outcome of the first two meetings of the Working Group, held in February 1997, was to propose narrowing the Agreement's definition by suggesting, *inter alia,* to exclude some weapons like small arms and mines, and to define a "weapon production facility as one which produces (finally) heavy armaments and the ammunition for heavy armaments".

The Working Group's proposal for changing the definition was rejected by the Personal Representative at the 10th JCC meeting held in April 1997, where he noted that changes to the definition were not in accordance with the task given to the Working Group and that a narrowing of the Agreement's definition could not be accepted. The Personal Representative proposed to reconvene the Working Group, tasking it with finding a reasonable number of facilities which should be notified.

At the (third) Working Group meeting held in June 1997, Republika Srpska announced that a list of five weapons manufacturing facilities would be appended to its new set of information, then scheduled to be exchanged during the 11th Meeting of the JCC in June.

At the JCC meeting, Republika Srpska stated that it had no other weapons manufacturing facilities than the five listed and that it considered the issue settled. RS suggested, however, that if questions remained on its information, it would be willing to participate in informal meetings or to organise visits, or any other activities, that may be requested. RS also accepted the Personal Representative's proposal to continue expert level discussions to consider ways to expand the lists of facilities then available.

At the fourth meeting of the Working Group held in August 1997, the Parties reiterated their views that the Agreement's definition was unacceptable, especially because it was so broad that any facilities in BiH could be included. The Parties also stated that the OSCE should reconsider its opposition to re-writing the definition because any implementation of the Measure, as it now stand, can only lead to diminished transparency and confidence-building.

In spite of these negative comments, the fourth meeting of the Working Group was the most successful in that it achieved agreement on submitting two proposals to the next JCC meeting. First, to give a mandate for the convening of another Working Group to discuss the term "weapons manufacturing facilities" focusing on clarifying the last part of the definition relating to "non-significant modification of the manufacturing facility." Second, the consideration of two voluntary visits (one on each side) to a weapon manufacturing facility. As agreed also, these visits would take place before the end of 1997 and would be made in accordance with Measure XI (*Voluntary Contacts*) with the clear understanding, however, that in 1998 the modalities of Measure X relating to the monitoring of facilities through visits regulated by the Protocol on Verification could then be applied.

At the 12th Meeting of the JCC, the Parties accepted the proposal of the Personal Representative to organise voluntary visits, but rejected the convening of a new Working Group session to discuss the interpretation of the definition.

The first visits to weapons manufacturing facilities were conducted in October 1997: one to a facility in Republika Srpska previously reported (in June 1997) as producing some 5,000 pieces of hand-grenades and mortars; one to an HVO military facility in Mostar. While the visit to the HVO facility was conducted in an exemplary fashion, the visit to the RS facility --though not badly organised-- revealed that no weapon whatsoever was being produced there. Furthermore, according to the briefing provided during the visit, the facility stopped military production when the Dayton agreement was signed at the end of 1995.

From the point of view of "confidence-building", the visit in RS proved to be a very negative exercise and, in reaction to all of the above, the Federation is now threatening to reduce its list of weapons manufacturing facility.

The difficulties in moving forward toward a satisfactory implementation of Measure X are predominantly twofold. First, Republika Srpska has demonstrated an obvious unwillingness to declare any facilities. This has been illustrated by the fact that it took sixteen months before it provided a list of only five facilities; a list described, incidentally, by one of its own representatives as the same provided to IFOR some time ago. RS unwillingness to move forward on the issue has also been evidenced by its argumentation. At the 9th JCC Meeting, for instance, RS stated that its reading of Measure X "*indicates that only a manufacturing capability for "whole weapons systems" would be notifiable. It would ....not demand to notify manufacturing capabilities for any equipment which is designated to be incorporated as a part of a weapon system. It would also not demand to notify facilities used for repairing armament and preparing for export.*" When taken in conjunction with statements made at the 10th JCC Meeting to the effect that "no facilities in RS have the production of weapons as their primary purpose" or that "there are so many repairs facilities in RS that the job of listing them would become too comprehensive", this clearly indicates a rigid position of no-compromise. Indeed, if RS statements were to be accepted at face value, RS would have nothing to declare. Not surprisingly, RS has always been in favour of narrowing the definition of "weapons manufacturing facilities" to factories which only have the production of weapons as their primary purpose, and to limit the scope of the Measure to heavy weapons only, and to exclude repairs facilities.

Second, as recognised by the Parties and the OSCE, the definition of "weapons manufacturing facilities" as listed in the Agreement is indeed rather broad, and there are no precedents in the world from which to draw guidance or experiences. Furthermore, the fact that weapons production in BiH was (and, most likely, still is) predominantly made in non-dedicated, small-size factories or workshops with a rather small-scale production level, contrasts sharply with the mainly large, dedicated, industrial facilities of the Western world, thereby complicating the identification of facilities in BiH.

Measure XI : Military Contacts and Co-operation

(I) Military Contacts.

Exchanges and visits between members of the armed forces, contacts between institutions, exchanges and contacts between academies and experts, sporting and cultural events, etc.

Deadline: none, on occasion of activation.

Although no "military contacts" took place in 1996, this Measure is currently being implemented with promising results for future developments.

In 1997, the Chief Officers for Regional Stabilization of several Regional Centres of the OSCE Mission to Bosnia and Herzegovina have organised several informal voluntary visits between officers of the different armies. Representation in these meetings initially

began with Liaison Officers and reached the level of Corps Deputy Commanders. On one occasion, the event was covered by the media.

The atmosphere during these contacts was always co-operative, and the Parties identified subjects of common interest for further discussions, including, for example, exchanging minefield maps, especially in the Zone of Separation to facilitate the demining process.

Finally, it can be noted that the June 1997 visit organised by the Federation BiH to its Hadzici weapons storage site --see Measure I (III)-- has been considered by the OSCE and the other Parties as falling under the cover of Measure XI, i.e. as a purely voluntary undertaking. Similarly, the October visits of weapons manufacturing facilities --see Measure X-- have also been organised under the cover of "voluntary contacts". The main reasons for adopting such procedure have been to facilitate the undertaking of some activities which would otherwise not have taken place or, as in the case of the visits to weapons manufacturing facilities, to help ensuring a beginning of implementation of measures thus far not applied at all.

(II) Military Co-operation (joint exercises and training).

Deadline: none, on occasion of activation.

No such activities have taken place until now.

(III) Visits to Military Bases.

Each Party shall arrange not more than two visits every year for representatives of each Party and the Personal Representative.

Deadline: two visits per year; 42 days notification.

After long delays, each Party with military forces organised two visits in mid-December 1996, thus complying with the provisions of the Agreement. However, because of the tardiness in the preparation of the visits, the notifications could not respect the deadlines of the Agreement.

In 1997, two visits were completed before the end of the summer, one to Mostar in April and one to Prijedor in June. Until the June visit to Prijedor, an issue which had created problems in almost all these visits was the refusal of the organisers to invite all other Parties (as required by the Agreement), or to challenge the legality of the representation of the BiH team.

For the last two visits of the 1997 program held in Bileca and Tuzla, both Parties sent timely notifications and all Parties were invited.

If the last two visits are any indication of future implementation, it appears that the main difficulties have been overcome and that 1998 could see the Parties truly benefit from this measure. Indeed, no major problems have been recorded concerning the way the visits themselves were conducted. On the contrary, professionalism has always been demonstrated and an atmosphere of openness and friendship has characterised all the visits accomplished thus far.

(IV) Establishment of Military Liaison Missions

Parties agree to establish military liaison missions between the chiefs of the Armed Forces of the other Parties ten days after entry into force of the Protocol.... The Missions shall initially be established at the OSCE Mission... The Parties shall not later than after 30 days exchange Missions and locate them with accommodation and working offices in the proximity of the location of the main military Headquarters..

Deadline: For establishment: 16 January 1996. For exchange: 16 February 1996.

Progress in moving towards full and proper implementation of this measure and its associated Protocol has been difficult. Indeed, although the Parties established Military Liaison Missions (MLMs) immediately after the signing of the Agreement, the Missions could not be deployed to each others' headquarters in the manner and time-frame foreseen by the Vienna Agreement. After long delays, the Parties' MLMs eventually deployed to the territory of the other entity, but not necessarily in the proximity of the location of the main military Headquarters of the Chiefs of the Armed Forces of the Receiving Party. Months-long discontinuance of the exchanges have also been recorded.

At present, both Parties signatory of the Protocol are allocating working offices for the MLMs. The office provided to Republika Srpska is located in Sarajevo in proximity to the main military headquarters of the Federation; the office allocated to the Federation's MLM is located in Pale, and not in Bijeljina where RS main military headquarters are located. The MLMs currently work from these premises at least twice a week.

In an apparent breakthrough, last summer, the Federation's Heads of MLMs visited Republika Srpska's main military headquarters in Bijeljina where the Parties agreed to repeat such visits every Wednesday. These visits, reciprocated by the RS' MLMs in Sarajevo, have not been interrupted since, meaning that the MLMs now exchanged at least once a week (on Wednesday) in proximity of the Headquarters of the Receiving Party. Also, in the Fall of 1997, the Heads of the MLMs met for the first time the Chiefs of the Armed Forces of their respective Receiving Party, where they discussed the possibility of organising a meeting between them. The first meeting of the Chiefs of the Armed Forces is now expected to take place early in 1998. Finally, the MLMs continue to liaise with the OSCE at least once a week.

Despite these advancements in implementation, full or continued deployment in the immediate proximity of the main military headquarters of the Receiving Party has not been realised. As experienced during the first initial deployment, a number of issues related to this undertaking may have to be dealt with, including questions related to the:

- provision and/or quality of working offices and/or accommodation;
- security situation;
- freedom of movement;
- availability of open and secure communication with their own headquarters;

A more important obstacle to ensuring the longer-term viability and usefulness of the Missions is the fact that the mandate of the MLMs is not fully understood. As noted in several JCC discussions, the MLMs are reportedly not tasked by their superiors. This lost opportunity in using and developing a unique means to establish develop and improve direct contacts between the different armies is of concern. Given their status and mandate, the MLMs can also be extremely valuable assets in case of increased tension or crisis situation.

Measure XII : Principles Governing Non-Proliferation

Parties shall contribute to efforts to prevent the proliferation of nuclear weapons and the acquisition, development, production, stockpiling and use of biological and chemical weapons.

Deadline: none; immediate but indirect commitment.

No official statements by the Parties have been recorded on this issue

Measure XIII : Verification and Inspection (including Annex 1)

Verification of the information provided shall be carried out, as a rule, through on-site-inspections, observation and monitoring. Verification shall be the responsibility of the Parties, assisted by the OSCE.

Deadlines: For providing inspectors' list: 16 February 1996; rejection within 10 days; For beginning of inspections: 1 March 1996; several deadlines for notification of intent to inspect, for acknowledgement of receipt of notification, etc.

For end of baseline validation period: 28 June 1996.

The inspections during the baseline validation period were conducted on the territories of both entities, by OSCE inspection teams led by CFE nations, with the inspecting entity providing members to the inspection teams. During the baseline validation period, 23 OSCE-led inspection missions were conducted with a total of 98 units inspected. The

distribution of inspected units reflected a percentage of the total numbers of units in the respective armed forces.

Since the end of the baseline validation period, the Parties have taken the main responsibility for the inspection regime, with the OSCE leading only 40% of the inspections, although participating with three inspectors in the inspections led by the entities.

In the early phase of inspections, the following shortcomings were noted:

- Parties' late submission of inspectors' lists;
- Disputes over the right of a Party to reject inspectors from the notified list;
- Notifications of Assembly Points (APs) which ignored the requirements of the Vienna Agreement and which created problems for going from the Inter-Entity Boundary Line (IEBL) to the APs;
- Disputes over the right of the OSCE to initiate the inspection of Objects of Inspection (OOIs) selected by the OSCE Verification Co-ordinator;
- Lack of uniformity in the exchange of military information, which complicated the identification of OOIs for the practical conduct of inspections;
- Obligation to provide security protection to the inspection team.

Most of these problems resulted from the fact that the inspections started too quickly. Indeed, the Parties were not ready to begin such type of inspection regime, neither emotionally nor organisationally. There was genuine fear, guarded distrust and a concern for the safety of their inspectors while on the territory of the other Party. The inspections began a little over one month after the signing of the Agreement. This, when considering that the European contact group took more than a year to prepare for the implementation of the CFE Treaty, makes the actual conduct of the first inspections in BiH phenomenal. While the CSBM aspect of this operation was probably more successful than anyone imagined, the validation aspect was not as successful.

When the verification inspections began in order to validate the accuracy of the information exchanged (under Measure I), other problems surfaced. Again these were partially due to the Parties' lack of knowledge and experience in verification, lack of understanding of the requirements of the Agreement, and a true failure of the organisational structures of the armies so recently removed from a shooting war. Also, the data exchanged continued to be consistently late, incomplete and inaccurate.

Inspections have improved commensurably ever since, and no significant problems are currently reported regarding procedures or relations between the entities. However, because the information exchanged remain inaccurate, most inspections find more

equipment at sites than declared, while some find significant amounts of equipment not declared. Another problem that continues to impact on inspections results relate to the incompleteness and inaccuracy of the POET (*Protocol on Existing Type of Conventional Armaments and Equipment).* Differences in Information Exchanges and the POET also continue to serve as a ground for misunderstandings. Finally, it is noteworthy that while 125 inspections have now been completed, no Party has avail itself of the right to carry out an "Inspection within Specified Areas", which allows a Party to inspect within a 65 square kilometres area. The reason for this is believed to be a fear of reciprocity.

Measure XIV : Communication (including Annex 4)

(Annex 4 on Communications, paragraph 2):

Each Party shall designate, upon entry into force of this Agreement, a point of contact capable of transmitting and receiving messages from other Parties and the OSCE on a 24-hour basis and shall notify in advance of any change to this designation.

Deadline: 26 January 1996.

(Measure XIV):

Parties shall establish direct communication lines between the Commanders/ Chiefs of Armed Forces as well as with the Personal Representative, and nominate points of contact capable of transmitting and receiving messages on a 24-hrs basis.

Deadline: 01 March 1996.

The measure has been partially implemented with some delay. The OSCE Mission and the Military Commands and Military Liaison Missions of the ABiH and the HVO have always been integrated in the Federation's PTT network, thereby providing direct telephone lines among them. However, in the initial stage there were no telecommunication lines across the Inter-Entity Boundary Line (IEBL) into Republika Srpska.

In February 1996, the two entities and the Office for Regional Stabilisation agreed that the MLMs would function as points of contact, but the lack of communication lines across the IEBL made that designation somewhat hollow. At least, it was established to whom the CSBMs messages should be delivered. (Annex 4, required the Parties and the OSCE to transmit information and notifications in written form.)

In the first week of April 1996, a line to the VRS point of contact was established via the IFOR switchboard at Sarajevo airport. However, this line was frequently disconnected. In accordance with Measure XIV, the Office for Regional Stabilisation established, in May 1996, a Working Group on that issue and assisted the establishment of a direct telephone line to replace the missing part across the IEBL with an investment of about DM 15,000. This action was based upon the Vienna Agreement's provision that the

Personal Representative shall support the Parties' efforts to establish these communication lines. The line became operational in July 1996.

There are still no direct telephone lines between the Chiefs of the Armed Forces. Contact may be made by using international lines between the VRS HQ in Bijeljina via Belgrade (PTT) and BiH, and vice-versa, or by using a special telephone link to the OSCE Head Office which could connect the calls to other numbers in the Federation. This OSCE line is used practically on a daily basis for messages between the VRS and the OSCE, and could also be used, as the international PTT line, by the Chiefs of the Armed Forces.

Measure XV : Implementation Assessment (including Annex 5: Protocol on the Joint Consultative Commission)

Parties shall create a Joint Consultative Commission (JCC) together with the Personal Representative to address questions relating to compliance, seek to resolve ambiguities and differences of interpretation that may become apparent in the way the Agreement is implemented.

Deadline: First session not later than 16 February 1996; since then at least one session every second month.

As called in the Agreement, the JCC has become the active body addressing issues of compliance and overcoming obstacles to implementation. Thirteen meetings have been held since the Agreement entered into force. Following a recent decision of the JCC, the Personal Representative will continue to act as its Chairman throughout 1998, and meetings will continue to be held every second month. The fact that all the Parties agreed for the OSCE to retain the Chairmanship of the JCC for another year (while the Agreement called on them to take up such a role after 1997) indicates that they may not believe to be prepared to assume this role.

Article V : Review Conference

The OSCE, by the Personal Representative shall convene a Review Conference on February 15, 1998.

After that the Parties shall decide to hold Review Conferences regularly, at least once every second year.

In accordance with Article V, the first Review Conference, chaired by the Personal Representative will convene on February 15, 1998. It will address the implementation of the Agreement since its inception and propose ways to improve its application. It should also eliminate inaccuracies and amend the Agreement in order to adapt it to changed (politico-military) circumstances. The Conference deserves careful attention as it will be the first and maybe only real opportunity for the OSCE to strongly influence the future application of the Agreement.

Conclusion

As evidenced by the record of implementation, immense progress have been made in fulfilling the Dayton's confidence-building obligations. Yet, the point at which the Parties may be able to carry out the obligations without outside supervision has not been reached. As noted, the Parties still rely on the OSCE to oversee the process, point out fault, and take the initiative for all obligations which have not yet been executed. Furthermore, the fact that none of the obligations would have been implemented without the OSCE assistance does not bore well for the future.

B. Agreement on Sub-Regional Arms Control

The *Agreement on Sub-Regional Arms Control* was concluded in Florence in June 1996. It covers the territory of Croatia, the Federal Republic of Yugoslavia, and Bosnia and Herzegovina. It is of unlimited duration, although the Parties can withdraw after 19 December 1998. Signatories are the three parties to the CSBMs agreement (Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska), plus the Republic of Croatia and the Federal Republic of Yugoslavia (FRY).

Modelled on the 1990 Conventional Armed Forces in Europe (CFE) Treaty, the Agreement set the following numerical limits on holding of five categories of weapons:

	FRY	Croatia	BiH of which:	FBiH	+	RS
Tanks*	1025	410	410 =	273	+	137
ACV*	850	340	340 =	227	+	113
Artillery*	3750	1500	1500 =	1000	+	500
Aircraft*	155	62	62 =	41	+	21
Helicopters*	53	21	21 =	14	+	7

* The categories are: Battle Tanks; Armoured Combat Vehicles (ACV); Pieces of Artillery (above 75 mm) ; Combat Aircraft; Attack Helicopters.

These limits should be reached by a process of reduction to be concluded by 31 October 1997.

Implementation

In general, most of the problems noted under Article II have also been experienced with the implementation of Article IV, which came into effect only a few months later. As noted, implementation of the inspection regimes in both the Vienna and Florence Agreements was probably done too quickly and many of the difficulties arouse because

the Parties were not ready to begin inspections. While the reason to immediately began inspections was to get the process started, no real training on how to efficiently and effectively implement the Agreement had been provided. In fact, under both the Vienna and the Florence Agreements, preparation, training, and execution had to be done concurrently.

As for Article II also, the first Information Exchanges done under Article IV were flaw. Data on military forces was inaccurate and did not contain all necessary information. Furthermore, the Parties failed to notify their 10 per cent changes in holding and the Parties, especially Republika Srpska, were accused of underreporting the holdings of heavy weapons.

Inspections/Reductions

The Agreement is separated into four basic timeblocs, with an additional two-phase timeblocks for reduction of Armaments Limited by the Agreement (ALA).

The first timeblock, the Baseline Validation Period, covered the period between 1 July - 31 October 1996. During this period, 96 inspections were scheduled, of which 78 were completed on time. Five remain indefinitely postponed, and thirteen were conducted late, but completed by April 1997, when the baseline Validation Period was officially considered closed.

The five inspections postponed were passive quotas assigned to the State of BiH. However, as the State does not have armaments subject to Article IV, the Parties have not allowed it to inspect, without reciprocity. The inspections will thus remain postponed until a political agreement can be found between the Parties in BiH.

The thirteen inspections conducted late (or almost 24% of the inspections scheduled for the baseline validation period) were mainly due to political problems, especially in two areas:

- The State of BiH politicised the designation of Points of Entry (POE) for inspections teams by placing them on the international border, presumably in order to undermine the status of the two entities.

- The three national groups in the country were unable to agree on the composition of the State of BiH's inspections teams representing them, although the right of the State to conduct inspections was not questioned. The Parties finally agreed not to pursue the issue further in the context of the Article IV Agreement but to leave the problem to be decided at the political level.

The second timeblock in the Agreement, the Reduction Period, is of one year's duration, running from 1 November 1996 to 31 October 1997. Inspections for this Period began on 22 April 1997, due to the thirteen postponed inspections of the Baseline Validation Period which were completed late. Some 35 inspections have been scheduled for this period.

The situation improved considerably during the Reduction Period, and no significant trend are noticed during inspections. Inspection and Escort teams are cordial and professional. However, as the Information Exchanges remain inaccurate, most inspections find more equipment at sites, than declared, and some inspections find significant amounts of equipment not declared. There are also significant discrepancies between Article II and Article IV Information Exchange data on the same formations or sites.

Along side the inspections, the Agreement contains a special Reduction Regime, broken into two phases. Phase I of the Reduction Regime began on 1 July 1996 and ended 31 December 1996.

Reductions were slow to begin in BiH, where the Parties appeared reluctant to reduce ALA, until the last minute. The Federation and Republika Srpska also, each, did not want to declare reduction reporting periods, until the other Party did. The Reduction Process also began separately from the Reduction Period in the Agreement, which aggravated a rocky start. Nevertheless, all 25 reductions inspections were completed on time, and most Parties met or came close to the targeted reductions figures for this phase. The armaments not destroyed in the first phase were transferred for the second phase.

Important problems were noted during the 1st Reduction Phase, including:

- the excessive use of exception clauses on research, development, and export by Republika Srpska;
- the initial lack of equipment for destroying the weapons, and;
- the failure to conform with an SFOR/Article II (CSBMs Agreement) notification rule requiring a 21 days advance notice before removing heavy weapons from barracks and cantonments.

The second phase of the Reduction Regime began January 1, 1997 and will end 31 October 1997, when the Parties must complete 100% of their reduction liabilities and reach the numerical limits defined in the Florence Agreement. Phase II began much more smoothly and saw Republika Srpska correcting its Information Exchange by declaring proper figures under the exemption clause for export. On the negative side, however, Republika Srpska unexpectedly announced, in August 1997, having found more than 840 weapons not previously accounted for. This came at a time when the OSCE was reviewing the Parties' Information Exchanges, comparing them with the data obtained from SFOR. Regardless of this last minute change in RS reduction liability, reductions

appear to be on track, especially due to an important financial and material assistance provided by various European countries, most notably France, Germany and Italy. It is now expected that all the Parties will be able to meet their reduction liabilities by the end of October, though an official statement to that effect will not be made before the end of November when the Personal Representative will have reviewed all data and inspections reports.

After November 1997, only the Residual Validation and Residual Periods will remain, when final assessment of the Parties' holdings of ALA will be done and continued compliance will be monitored.

Conclusion

As for Article II, the implementation of the *Sub-Regional Arms Control Agreement* surprised many observers. Yet, in this case, there were several reasons suggesting that the obligations would be carried out. First, the Dayton Accord requested that an agreement be reached over the individual ceilings of each category of armaments prescribed for limitation. Short of an agreement on this issue, Dayton clearly stated that certain ceilings would be imposed on each Party, and even if the peace agreement did not stipulate how this would have been done, it was clear that the international community would not have accepted that the former warring factions did nothing on reducing their armaments. Second, it was also clear that several factions (and predominantly the Muslim-Croat Federation of BiH) would be given new equipment. For the other Parties, then, the choice was to decide whether it was preferable to see their former enemies being equipped with, or without, any restrictions imposed on them. This, combined with fears of reprisals in the case of non-collaboration, certainty ensured a certain degree of participation from all sides. The fact that some of the Parties, and especially Republika Srpska, have always felt treated unfairly by the arrangement --by seeing its former enemies being re-equipped while it has to destroy a great quantity of weapons-- does not augur well for the future. On the other hand, it emphasizes the urgent need to further develop all aspects of the regional stabilisation process envisaged by Dayton.

C. Article V: Regional Arms Control Agreement

If the OSCE has been successful in helping to bring about the *CSBMs* and the *Sub-Regional Arms Control Agreements*, its efforts towards developing Article V -- *Agreement on Regional Stabilization*-- have been less fruitful.

As mandated by Dayton, the OSCE was "to assist the Parties by designating a special representative to help organise and conduct negotiations under the auspices of the OSCE Forum on Security Co-operation ("FSC") with the goal of establishing a regional balance

in and around the former Yugoslavia." The Dayton Accord did not specify any timeframe for the negotiations to begin, nor did it described any mandate for these negotiations or what states should participate in them. In fact, the Dayton obligations are only binding on the signatories of Annex 1-B and, even then, only required that they "co-operate fully with the OSCE to bring about these negotiations".

Despite the obvious lack of guidelines on everything concerning Article V, it has generally been recognised that the negotiations would commence after the completion of the negotiations on Article IV, as it was expected that the realisation of the *Sub-Regional Arms Control Agreement* would facilitate, or give impetus, to the opening of the discussions on Article V. It has also usually been recognised that the general aim of Article V is to cement the process of regional stabilisation by preventing potential destabilisation ensuing from the accomplishment of Articles II and IV. The main concern in this regard is that of seeing several regional countries defining their security requirements based on maintaining a military balance with adjacent states, with the likely result of increasing tensions and instability, and fuelling a regional arms race. It is noteworthy, however, that as, prescribed by Dayton, the *CSBMs Agreement* only covers the territory of Bosnia and Herzegovina, while the *Sub-Regional Arms Control Agreement* only covers the territory of BiH, Croatia, and the Federal Republic of Yugoslavia. While Slovenia and Macedonia are not included at all in these agreements, the countries neighbouring former Yugoslavia have very different levels of defence expenditures, troops strength, and weapons holdings. Furthermore, at the exception of Albania and Austria, all countries neighbouring former Yugoslavia are signatories of the CFE Treaty, and are bound by weapon holdings limitations not devised at all to take account of the security environment of Southern Europe.

As it now stands, all OSCE member states have (at least in principle) supported the overall goal of Article V. However, the reluctance of several nations to reduce military holdings have made progress on a regional arms control agreement rather elusive. Greece, Bulgaria and Romania, for instance, have already made a formal reservation at the OSCE to the effect that they will not go beyond their CFE obligations. Obviously, such formal reservations made even before the negotiations have begun, or a mandate discussed, is certainly not the best formula to encourage the beginning of discussions. Furthermore, the absence of movement on the future appointment of a Special Representative suggests that the negotiations may not start anytime soon. Yet, Article V is apparently being discussed on a bilateral basis, but nothing has transpired from those consultations, and only informal proposals have surfaced in the public domain.

The proposals which currently appear to have the best chance of unlocking the stalemate involve a combination of confidence-building measures and constraints (in borders areas, for instance), as well as the establishment of a regime of co-operation in verification, inspections, and exchanges of information. As suggested by these proposals, the development of Article V could proceed along the following lines. For states that are

currently signatories of different European treaties or arrangements, such as the CFE Treaty, the 1994 OSCE Vienna Document, the CSBMs Agreement for BiH, or the Sub-Regional Arms Control Agreement, exchange of information could be made on the basis of reciprocity in accordance with the regime currently in place in the participating countries. A CFE signatory, for instance, could provide its information to a signatory of the Sub-Regional Arms Control Agreement, and vice-versa. For those states not participating in any arrangements, they could develop their own reporting of military information (preferably by adopting the regime most widely applied in Europe, i.e. either the 1994 OSCE Vienna Document or the CFE Treaty), and exchange it, also on a reciprocal basis, with other Article V participants. A similar framework of reciprocal exchanges is proposed for participation in the inspection/verification activities of other states.

As a further step (or phase), some proposals suggest that Article V could include negotiations on a regional CSBMs regime closely modelled on the 1994 OSCE Vienna Document, with the addition of specific constraints, such as the application of zonal restrictions on the deployment of troops and weapons in borders areas.

Finally, and probably for a later stage of negotiations, it is suggested that the participants of Article V could agreed on a system of "sufficiency rule" whereby no state can have more than a certain percentage of the total number of weapons in all/certain categories found in the region. Supporters of this idea believe that this could be an important step leading up to negotiations on arms reductions *per se*.

Conclusions

Whether these proposals have any chance of success or will be considered at all remain to be seen. By excluding the most contentious or difficult issues, however, they may constitute the only acceptable compromise to see the discussions started. Furthermore, by proposing a step-by-step approach, whereby a next stage of negotiation or implementation would only be considered after significant progress has been recorded on the initial or previous undertaking, these proposals may also constitute the most promising option to proceed forward.

4. CONCLUSIONS / RECOMMENDATIONS

It is often suggested that the implementation of the military aspects of the Dayton Agreement have made much more and solid progress than its civilian aspects. While it is true that the civilian aspects of the GFAP continue to prove very difficult to implement and that most of its stipulations concerning the build-up of state structures, the return of refugees, human rights or the freedom of the media have only been accomplished partially (if at all), the success of the military aspects and, especially, those relating to the regional stabilisation process, should not be overestimated. Indeed, the above evaluation is misleading because the implementation of the Dayton arms control and confidence-building obligations derived directly from a political decision. In other words, even if there has been enough political support (or political pressure) to get a deal signed on these issues, this should not be mistaken as meaning that the armed forces are more inclined than other groups to implement the Dayton obligations, nor that the existing political support for the endeavour could sustain any political or military crisis.

Civilian control of the armed forces in Bosnia and Herzegovina is still minimal and very fragmented, with the three armies remaining divided along ethnic lines and, in the case of the VRS and the HVO, also continuing to be under the strong influence of neighbouring countries. Furthermore, as the current political crisis in Republika Srpska reveals, there are serious questions about the true allegiance of the VRS, because association or support for the "Pale clan" of former President Radovan Karadic are still very strong in many areas. Finally, on the Federation side, the integration of the two components (HVO and ABiH) basically only exists on paper, and there is little doubts that were a serious crisis to erupt in the country the two components would be, at best, the allies of connivance they once were during the war or, at worst, on opposite side as they also did during the conflict.

This being said, the fact that the *Confidence- and Security-Building Measures* and the *Sub-Regional Arms Control Agreements* have been negotiated at all, and are currently being implemented, are major achievements by themselves. Continuing progress in the implementation of the Agreements, however, will have to remain a primary objective if these achievements are to be preserved and strengthened. Full and proper implementation, on the other hand, will continue to face a number of serious challenges. For instance, even if many problems have been solved with the inspections regime of both Article II and Article IV, the inaccuracies in the information exchanged continue to impact on the regime efficacy and can greatly undermine the Agreements. It is worth emphasising in this regard that the satisfaction noted following the last exchanges of military data vanished almost instantly when Republika Srpska admitted, later on, having discovered more than 840 armaments limited by Agreements it had not declared before.

During the initial phase of implementation of the Agreements, the confidence-building aspect was well exercised, but this was done at the expense of data validation. The

validation of the information exchanged on troops and weapons locations left much to be desired and was greatly inaccurate. Yet, the fact that the Parties had reached that point was seen as a major realisation considering how close the process of implementation occurred to the actual end of hostilities, the turbulence within the armies and the lack of organisation. But, overall, the entire regime of arms control and confidence-building measures in the region still lives under this potentially harmful legacy.

In many respects, the phase when the Parties had to learn what they did not know, and then learn it, should be considered over. Initially, a total lack of understanding on the part of those at the action officer level and a refusal to accept assistance on the part of those at the leadership level characterised the process. Lack of knowledge, however, can barely be used as an excuse now. Together, the inspections conducted under Article II and Article IV total nearly three hundreds, and Information Exchanges almost a dozen. Furthermore, extensive training in CFE-type inspections has been given by NATO, as well as by several countries under bilateral arrangements. Assistance in inspections has also been provided by many OSCE nations, and several associated training, such as an American-sponsored course/training visit to the Frankfurt-based On-Site Inspection Agency, are constantly being offered to the Parties.

What is now lacking is greater political will to make the Agreements work. Indeed, most observers closely associated with the process believe that the Parties are still unwilling to thoroughly implement all of the provisions. Most of the time during inspections, for instance, the inspectors only count what they are shown and never challenge to see what they are not shown. The same attitude prevails with regard to issues of non-compliance under the CSBMs regime. As a general rule, if a Party raises a complaint, it is never in a manner to really get "at the bottom" of the issue, or to see it resolved. The impression of most international observers is that the Parties are simply going through the motion with little or no incentives to really see the process work and, worst, that they are doing it simply to attract the favour of the international community.

What this points out to is the necessity to preserve a strong international interest and involvement in overseeing the application of the Agreements. The organisation most suitable of assuming this role is the OSCE. With its extensive responsibilities in the process, the OSCE has the best chances of extracting the necessary compromises to improve compliance. In fact, a great deal of this "power of influence" comes directly from the texts of the Agreements, which confer exceptional rights and privileges to the Organisation with regard to overseeing the process of implementation. These include, among others, being a formal recipient of all notifications exchanged between the Parties; the right to call on a number of meetings, visits to military facilities, or inspections if problems occur; assuming the Chairmanship of the two Consultative Commissions, and; convening the first Review Conference for the two Agreements.

The OSCE has already done a lot for advancing implementation. In fact, its past assistance has been given in many more ways than required by the Agreements. One can note, for instance, the organisation of two Open Skies demonstration flights over Bosnia and Herzegovina, and the development of a much more ambitious programme for 1998. The OSCE has also organised three seminars on subjects directly affecting the armed forces of the Parties. The last one held in June 1997, in Republika Srpska, and dealing with the military doctrines of the Parties constituted the first occasion since the end of the war for high-level military officers of all sides to discuss this issue. Also, the Office for Regional Stabilization has taken the initiative to organise a number of informal meetings of military officers from all three armies. These meetings represented the first opportunity for representatives of the different armies to cross the Inter-Entity Boundary Line, raising hope that such co-operation can begin to take hold in spite of this very difficult dividing line. Finally, one idea which is currently being explored by the Personal Representative is the establishment of one or more Centres for Strategic Studies. This is done with the view to create a community of independent experts who could support, advice, and interact with the military and government officials directly involved in decision-making affecting the development and conduct of the armed forces.

While, the importance of the role of the OSCE in the achievements recorded thus far is undeniable, what the OSCE has not really done is to be pro-active. As noted, the Vienna and Sarajevo offices are often divided on how to deal with certain issues, with the net result, too often, of acting on a matter only after it is too late to positively impact on the situation. There has also been too many silences on past violations, which have not helped to resolve the issues at hand and have only served to discredit the Organisation as a "fair third party".

It is possible that the reticence to act more pro-actively and be more "critical" may be overcome after the end of the reduction period of Article IV, which is due to be completed at the end of October. Indeed, there was a certain apprehension in some parts of the Organisation (or, maybe more accurately, from the Contact Group nations) to "push too hard" beforehand, because of fear of seeing the process collapse. Whether such fear was justified is still unclear. What is certain, however, is that this past attitude, which has almost invariably been translated in indecisiveness or inconsistency on the part of the OSCE, needs to be revisited and corrected if the process is to move forward in the right direction. Indeed, there is ample evidence pointing out to the fact that the Parties are expecting the Organisation not only to set the pace of implementation but also to determine its standards. It has been proven repeatedly in the last two years that if the OSCE does not bring forward an issue, nothing is being done about it; but that if it "push" a certain matter, movement is almost automatic.

While the OSCE can do much more in bringing the Parties to fully apply and respect all of the Agreements' obligations, it should also recognize that only the best compliance record will bring them to identify the true value of the Agreements, and bring enough

confidence for the process of confidence-building to really begin to take hold. Less than a solid and credible implementation record, on the other hand, can only create more mistrust and misunderstanding between the Parties, with the risks of seeing the entire regime unravel.

In addition to aiming at reaching for a better and more comprehensive compliance, there are other reasons suggesting that the future of the stabilisation process undertaken with the signing of the Dayton Agreement will necessitate a strong and continued involvement of the international community. Indeed, even if the balance of forces prescribed by Dayton may soon be achieved, stability is no guarantee. Neither Agreements place restrictions on the qualitative aspects of weapons acquisition, and the US-lead Train & Equip Program for strengthening the Federation army is by no means serving to encourage other signatories to lower further their holdings.

Developing co-operative security is an ambitious task, and while some elements are being put in place in the former Yugoslavia, it is also necessary to start looking forward. Options have been proposed to address the current stalemate related to the development of Article V, and it is crucial that the states believed to be the most closely involved in this process pay more attention to them.

It is also important that the OSCE appoints a Special Representative in the shortest possible delay. Indeed, while the initial goal was to appoint a representative immediately after the completion of the negotiations of Article IV in order to profit from the momentum build up to that point, missing the end of the reduction period could postpone the negotiations *sine die*.

Furthermore, it now appears evident that in order to see any sign of movement on the development of a regional arms control regime, arms control *per se* may have to be put on the back burner for a while. Leaving arms control aside for a while, however, does not necessarily mean leaving it for ever. On the contrary, it could be an integral part of a mandate for the negotiations of Article V, whereby the arms control portion of the arrangement could come at a late stage of a multi-phase process. Such a process could also be conditioned on the progress made in the first stage of development or, in other words, the arms control portion could be tackled only after sufficient progress are recorded on the other aspects of the deal.

Whether this process begin with the establishment of a more comprehensive regime of CSBMs encompassing all of the former Yugoslavia followed by, or combined with, the application of a wider European-type system of CSBMs is probably less relevant than beginning the process. Indeed, starting the discussions would allow all of the Article V participating states to begin collaborating with one another, identify common problems and, hopefully, also finding mutually acceptable solutions. This, on the other hand, could not only serve to prepare the former Yugoslavia for future integration in the wider

European security system, but it could probably greatly accelerate this process. Indeed, it can be argue that no matter how the OSCE "force" the full and proper implementation of the Article II and Article IV obligations, it is the promise of greater integration in the European family which will ultimately bring the Parties to take a second look at the potential benefits of the Agreements; Agreements most of them now see only as having been imposed on them.

There are, of course, other ways and means to advance in the right direction. Participation in some specially designed "Partnership for Peace" programme, for instance, being one of the most promising options in this regard.

Also, OSCE member-states should pay close attention to the results of the upcoming Review Conferences, as these should not only assess the past experience but, maybe more importantly, record the Parties' views on the future of the process. Also, one expected result of the Review Conferences is the development of a "plan for action" identifying the issues needing further work from the Parties, as well as the areas which could be developed in the future. Securing financial and/or technical support for the implementation of "the plan" will be important for ensuring continued progress and future achievements. It will also be a field where OSCE member-states, like Canada, can make an important contribution by identifying the areas they can best contribute to.